

Filed for intro on 02/13/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1087  
By Byrd

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 36; Title 37; Title 41; Title 68 and Title 71, to establish the Department of Children's Services; and to abolish the Department of Youth Development

WHEREAS, the General Assembly finds and declares that it is necessary to the public welfare to provide a more efficient and effective system of caring for and treating children who are in state custody, who are at risk of entering state custody, who are reunified with families upon release from custody, or who are identified as needing prevention services that would prevent them from entering state custody; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 4-4-102, the Tennessee Children's Plan was established on June 29, 1994 by Executive Order Number 58, to maximize and effectively use available resources in order to provide the appropriate services to children and families through responsible, cost-effective management; and

WHEREAS, the General Assembly now finds and declares that the Children's Plan should be administered by a department of state to be designated the Tennessee Department of Children's Services;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This Act shall be known and cited as the Tennessee Children's Plan of 1995.

SECTION 2. Tennessee Code Annotated, Sections 4-3-101(25), 4-3-111 and 8-23-101, are amended by deleting "youth development" and substituting "children's services".

SECTION 3. Tennessee Code Annotated, Section 4-3-2601, is amended by deleting the term "youth development" and adding the term "children's services" and is further amended by adding the following language:

"The department shall be the legal successor to the corporate powers, duties and responsibilities of the Department of Youth Development, and those offices of the Department of Human Services and all other state agencies that provide services to unruly, delinquent and dependent and neglected children."

SECTION 4. Tennessee Code Annotated, Sections 4-3-2602 and 4-3-2603, are amended by deleting the term "youth development" wherever it may appear and substituting the term "children's services".

SECTION 5. Tennessee Code Annotated, Section 4-3-2604, is amended by deleting the words "the department of youth development" in the first sentence and substituting the words "the department of children's services".

SECTION 6. Tennessee Code Annotated, Section 4-3-2604, is amended by adding the following language beginning as new subsection (5) and renumbering the existing subsection (5) as subsection (8).

(5) Administer all state programs, operate all state institutions and provide services as required by law for unruly, delinquent, and dependent and neglected children in this state.

(6) Regulate and license all private child caring and child placing agencies.

(7) Cooperate with the Commissioner of Social Security and with any other agency or instrumentality of the United States Government in any reasonable manner

which may be necessary to qualify for federal aid for assistance to persons who are entitled to assistance under the provisions of the Federal Social Security Act as amended, including the making of such reports in such form and containing such information as the Commissioner of Social Security or any other agency or instrumentality of the Federal Government may, from time to time, require, and comply with such requirements as such Commissioner, agency, or instrumentality may, from time to time, find necessary to assure the correctness and verification of such reports;

SECTION 7. Tennessee Code Annotated, Section 4-3-2605, is amended by deleting entirely the language therein and substituting the following language:

(a) The Governor shall appoint a person qualified by training and experience to perform the duties of the office of Commissioner of Children's Services.

(b) The Commissioner shall have the following powers, duties and functions:

1. To supervise, direct and account for the administration and operation of the department;

2. To appoint, control, dismiss or discharge employees of the department, subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 30;

3. To promulgate necessary rules and regulations to govern the administration and operation of the programs and institutions of the department;

4. To retain, employ or contract for the services of private and public consultants, research and technical personnel and to procure by contract consulting, research, technical and other services and facilities, whenever considered necessary by the commissioner in the performance of the duties of the department;

SECTION 8. Tennessee Code Annotated, Section 4-3-2606, is amended by deleting the term "youth development" and substituting the term "children's services".

SECTION 9. Tennessee Code Annotated, Section 4-3-2608 and 4-3-2609, are amended by deleting the term "youth development" and substituting the term "children's services".

SECTION 10. Tennessee Code Annotated, Section 4-3-2610, is amended by striking the term "youth development" and substituting the term "children's services".

SECTION 11. Tennessee Code Annotated, Title 4, Chapter 3, Part 26, is amended by adding the following language as a new Section 4-3-2611:

The commissioner may designate by employment, contract or otherwise attorneys to be known as "law guardians" who shall provide such legal advice and assistance as may be necessary in the best interest of children in custody of the department. Any "law guardian" acting in this capacity shall be presumed to be acting in good faith and shall be immune from any liability that might otherwise be incurred while acting in the scope of his employment.

SECTION 12. Tennessee Code Annotated, Sections 4-3-2620 and 4-3-2625, are amended by striking the term "youth development" and substituting the term "children's services".

SECTION 13. Tennessee Code Annotated, Title 71, Chapter 3, is amended by deleting Tennessee Code Annotated, Sections 71-3-301 through 71-3-304; by transferring Tennessee Code Annotated, Sections 71-3-501 through 71-3-533, and redesignating said sections as Tennessee Code Annotated, Sections 37-3-701 through 37-3-733; and said sections being further amended by deleting the words, "human services" and substituting the words, "children's services"; and is further amended by appropriately redesignating the remaining parts of Chapter 3.

SECTION 14. Tennessee Code Annotated, Title 37, is amended by deleting any and all references to "department of human services" and substituting "department of children's services"; and is further amended by deleting any and all references to "commissioner of the department of human services" and substituting "commissioner of the department of children's services".

SECTION 15. Tennessee Code Annotated, Title 37, is amended by deleting any and all references to "department of youth development" and substituting "department of children's services"; and is further amended by deleting any and all references to "commissioner of the department of youth development" and substituting "commissioner of the department of children's services".

SECTION 16. Tennessee Code Annotated, Section 37-1-128, is amended by deleting subsections (c) and (f) and redesignating the subsections.

SECTION 17. Tennessee Code Annotated, Section 37-1-129, is amended by deleting subsections (e), (f) and (g).

SECTION 18. Tennessee Code Annotated, Section 37-1-164, is amended by deleting the language therein and substituting the following:

The department of children's services shall provide a system of central intake to include local or regional individual evaluation, and referral to the department to avoid and prevent unnecessary commitments and to make assessment of appropriate services for children committed to the department.

SECTION 19. Tennessee Code Annotated, Title 37, Chapter 2, Part 1, is amended by deleting the words "state board of education," and substituting "department of children's services".

SECTION 20. Tennessee Code Annotated, Section 37-2-110, is amended by deleting the words "state board of education" and substituting "department of children's services".

SECTION 21. Tennessee Code Annotated, Title 41, Chapter 5, is amended by deleting the words "department of youth development" and substituting the words "department of children's services".

SECTION 22. Tennessee Code Annotated, Section 36-1-102, is amended by deleting from subsection (5) the term "human services" and substituting "children's services" and, further, Tennessee Code Annotated, Title 37, Chapter 1, Part I, is amended by deleting the

words "human services" wherever they may appear, and substituting the words, "children's services".

SECTION 23. Tennessee Code Annotated, Section 68-2-1104(a), is amended by inserting after the second sentence, a third sentence as follows: These agencies may also provide central intake services as authorized by Tennessee Code Annotated, Section 37-1-164, and other services or programs for the assessment and care of children in custody of the State, or in imminent risk of being placed in custody of the State, as well as children who may benefit from prevention or early intervention services.

SECTION 24. Tennessee Code Annotated, Section 68-2-1106, is amended by adding a subsection (10) as follows:

Provide for the coordinated provision of medical, psychological, social, educational, assessment, and case monitoring services to children at risk of commitment to State custody or who have been committed to the custody of the State and to contract for the provision of such services.

SECTION 25. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 26. This act shall take effect on July 1, 1995, the public welfare requiring it.

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